

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

WALTER JAMES KUBON, et al.,

Defendants.

Case No. 18-cv-04788-PJH

**ORDER DENYING DEFENDANTS'  
RENEWED MOTION FOR  
INJUNCTION/STAY AND DECLINING  
REQUEST TO ENTERTAIN THEIR  
MOTION FOR RELIEF UNDER RULE  
60(B) AND RULE 62.1**

Re: Dkt. Nos. 90, 91, 92

Defendants' "Emergency Motion to Entertain Motion for Rule 60(b) and 62.1 Relief," Dkt. 90, "Emergency Renewed Motion for 60(b) and 62.1 Relief," Dkt. 92, and "Emergency Renewed Motion for Injunction/Stay of Order Granting Summary Judgment and Judgment and Order of Foreclosure," Dkt. 91, are DENIED. The court declines defendants' request to consider relief under Federal Rule of Civil Procedure 60(b) while defendants' appeal remains pending before the Ninth Circuit. Davis v. Yageo Corp., 481 F.3d 661, 685 (9th Cir. 2007) (a district court's denial of a request to entertain a Rule 60(b) motion pending appeal is itself interlocutory and not appealable) (citation omitted). The Ninth Circuit also denied a motion seeking similar injunctive relief on July 11, 2019. U.S. v. Kubon et al., 19-16059, Dkt. 13. That decision is binding on this court.

**IT IS SO ORDERED.**

Dated: September 16, 2019



PHYLLIS J. HAMILTON  
United States District Judge